



Attorney General Steve Marshall Supports Lawsuit Upholding Religious Liberty of Service Members Opposing Biden Vaccine Mandate

(MONTGOMERY) – Alabama Attorney General Steve Marshall filed an amicus brief before the U.S. Supreme Court in support of a lawsuit challenging the Biden administration’s failure to accommodate religious objections to its COVID-19 vaccine mandate on men and women serving in the U.S. Armed Forces.

Attorney General Marshall and 22 fellow attorneys general filed the brief in *Dunn v Austin* in which Lt. Col. Jonathan Dunn is requesting an emergency application to the U.S. Supreme Court seeking an injunction to prevent the U.S. Air Force from disciplining or discharging him for being unvaccinated.

“Lt. Col. Dunn, and many thousands of others in uniform, are being denied their constitutional rights by the Biden administration’s blanket refusal to grant their wishes for religious exemption from the military’s COVID-19 vaccine mandate,” said Attorney General Marshall. “U.S. military personnel deserve and are indeed entitled to the same first amendment protections of their religious liberties as any other American citizen.”

On August 24, 2021, the Department of Defense announced plans to implement a COVID-19 vaccine mandate for active duty and Ready Reserve service members with “ambitious timelines for implementation.” While the mandate ostensibly includes a religious liberty exemption, in practice, few have been granted. As the attorneys general brief notes, using Air Force data, “Of the 7,693 requests for such exemptions, 32 have been granted. Even accounting for the 2,827 requests still pending, that results in a denial rate of 99.34%.”

The vaccine mandate was part of a broader push by the Biden administration to increase national vaccination rates by forcing mass vaccinations of federal contractors, federal employees, healthcare workers, Head Start employees and volunteers, and those employed by private employers with more than 100 workers.

As the attorneys general note in their brief, courts have demonstrated skepticism of these Biden administration mandates, recognizing, “the overreaching and flawed claims of legal authority underlying the Administration’s response, the tension between its policies and the facts, and its inconsistent statements and actions that undercut its claims of good faith and suggest pretext.”

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Attorney General Marshall and the other attorneys general urge the Supreme Court to apply similar skepticism to the Biden administration's claim to deference in this case.

The attorneys general brief further notes facts that undermine the Biden administration's claim that this mandate is necessary for military readiness, including that of 394,293 reported cases within the military population:

- Only 94 deaths have been reported – a fatality rate of 0.02%, and
- Only 2,597 have resulted in hospitalization – a rate of 0.66%.

The amicus brief filed by Attorney General Marshall and the Attorneys General for Alaska, Arizona, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Carolina, Texas, Utah, Virginia, West Virginia, and Wyoming can be read [here](#).